

How to determine if you need a certificate of authority from the Minnesota Public Utilities Commission

- ❑ Do you provide local or long distance telephone service to Minnesota customers? See Minnesota Statutes §237.16 and §237.74: “No person shall provide telephone service in Minnesota without first obtaining a determination that the person possesses the technical, managerial, and financial resources to provide the proposed telephone services...” *Note: the above statutes do not limit “telephone service” to voice service only, and can include data.* Minnesota Statutes and Rules can be accessed at the following website: <http://www.leg.state.mn.us/leg/statutes.asp>
- ❑ Do you purchase the local or long distance service of another licensed carrier, and “resell” that service to customers? “Resellers” are required to obtain a certificate of authority. The Minnesota Public Utilities Commission has found that a company that does not own any telephone equipment but has acquired control over customers receiving telephone service must obtain a certificate of authority. For example, a business that labeled itself as a “management company” offering “discounts” off AT&T long distance service was a carrier that needed its own certificate of authority. The business was in control of the rates, and terms and conditions of service for its customers. The fact that the business labeled itself a “management company” did not preclude the Commission from looking at the substance of the company’s business operations to determine whether, in fact, it was a “reseller.” Docket No. P3094/NA-92-534, Commission Order Issued March 23, 1994.
- ❑ Have you acquired a company that is a provider of telephone services? If so, you will need to receive approval from the Minnesota Public Utilities Commission for the acquisition. See Minnesota Statutes §237.23: “It shall be unlawful for any telephone company, corporation, person, partnership, or association subject to the provisions of this chapter to purchase or acquire the property, capital stock, bonds, securities, or other obligations, or the franchises, rights, privileges, and immunities of any telephone company doing business within the state without first obtaining the consent of the commission thereto...”

If you have checked at least one of the above boxes, it is likely that you need a certificate of authority from the Minnesota Public Utilities Commission. Application forms are available on this website. If you have further questions about your need for a certificate, you may contact the Department of Commerce at 651-539-1524 or telecom.commerce@state.mn.us.